



ARTICLE 139 CLAIMS



WHAT IS AN ARTICLE 139 CLAIM?

Article 139 of the UCMJ provides a means of redress to any person, military or civilian, who believes that his property has been willfully damaged or wrongfully taken by a *member of the Armed Forces of the United States*.

WHEN DOES ARTICLE 139 APPLY?

The key words in Article 139 are “willfully damaged” or “wrongfully taken.” An Investigating Officer (IO) must find that the offender intended the act that caused the loss or exercised conduct showing a reckless or wanton disregard of the property rights of the claimant.

WHO MAY FILE AN ARTICLE 139 CLAIM?

Any individual (civilian or military) may file an Article 139 claim against a service member.

WHEN DOES ARTICLE 139 NOT APPLY?

Article 139 does not apply to claims for property damage resulting from negligence (such as most fender-bender traffic accidents), or for death or personal injury. Article 139 does not apply to disputes over debts, contracts, or over ownership of property, unless the dispute is merely a cloak for the intent to steal. Article 139 does not include claims for remote or consequential damages.

HOW DO I FILE AN ARTICLE 139 CLAIM?

Submit a signed written claim for a definite amount of money, within 90 days of the incident giving rise to it, to an officer in your command. The officer will forward the complaint to the offender's Brigade Commander (SPCMCA) who may then appoint an IO to investigate.

If an IO is appointed he will investigate and submit a report. The report will be reviewed by the Claims Judge Advocate for legal sufficiency before it goes to the SPCMCA for approval or disapproval. If the SPCMCA approves the claim, the Finance and Accounting Office will be directed to withhold the amount approved from the pay of the offending service member and pay it directly to the claimant.

WHAT DOES THE CLAIMS OFFICE DO?

Claims personnel may help you file your claim and ensure the claim is delivered to the appropriate commander. They will brief and advise the IO upon request, monitor the progress of the claim, and review the IO's report for legal sufficiency.

WHERE CAN I OBTAIN HELP ON PREPARING A CLAIM?

Check with your unit chain of command, a claims officer, or Client Legal Services.

Yongsan Client Legal Services Division, Office of the Staff Judge Advocate, Eighth US Army
Bldg 4106, room 229 (ACS building). Please call 738-8111 for an appointment.
Office hours: M, Tu, W, F 0900-1630 and Th 1300-1530.